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Chairman: Mr. Zyman (Vice-Chairman) ..... (Poland)

Contents

Agenda item 83: Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel (*continued*)

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In the absence of Mr. Yáñez-Barnuevo (Spain), Mr. Zyman (Poland), Vice-Chairman, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 83: Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel (*continued*) (A/60/52, A/60/52/Corr.1 (French only) and A/C.6/60/L.4)

1. **Mrs. Muchiri** (Kenya) said that as a regular troop contributor to United Nations peacekeeping missions and host to several United Nations bodies, Kenya appreciated and strongly supported initiatives aimed at strengthening the safety and security of United Nations and associated personnel. Those personnel played a critical role in the maintenance of international peace, security and stability. However, they continued to be exposed to life-threatening risks in the discharge of their mandates. It was incumbent upon the international community to ensure their safety and security, including through the pursuit of a strengthened and effective legal framework. In that connection, her delegation was concerned that despite the acknowledged importance of the 1994 Convention on the Safety of United Nations and Associated Personnel, it had not received universal acceptance. Kenya urged Member States that had not yet done so to consider becoming parties to the Convention.

2. Her delegation looked forward to the finalization of the optional protocol. In the meantime, however, it was important not to overlook the immediate need to ensure the protection of United Nations and associated personnel. Kenya therefore supported the continued implementation of interim measures, in particular the inclusion of the key provisions of the 1994 Convention in status-of-forces and status-of-mission agreements. In that regard, her Government was giving positive consideration to the inclusion of provisions of the Convention in the memorandum of understanding on the United Nations Mission in the Sudan that was currently being negotiated with the Republic of Kenya.

3. Kenya was encouraged by the report of the Ad Hoc Committee on the Scope of Legal Protection under the Convention (A/60/52) and believed that the revised Chairman's text provided a good basis for negotiations. It was to be hoped that consensus could be reached on the remaining bracketed areas and that the optional protocol could thus be finalized during the Sixtieth session. To that end, her delegation would continue to exercise flexibility on the outstanding issues. Concerning the scope of application of the optional protocol, Kenya supported, in principle, the inclusion of the concept of peacebuilding. For the purposes of the protocol, however, the concept of peacebuilding should be limited to conflict and post-conflict situations. With regard to an operation conducted for the purpose of delivering humanitarian assistance in response to a natural disaster, Kenya was flexible on the applicability of the optional protocol. The necessity for an opt-in or opt-out declaration by the host State should be carefully considered because it could create an unnecessary bottleneck in the implementation of the protocol. If that requirement were to be adopted, the declaration should be made at the time of ratification. Kenya recognized that it was the primary duty of the host State to protect United Nations and associated personnel. At the same time, however, the United Nations and associated personnel were expected to respect the laws of the host State. Kenya therefore supported the text of article III of the Chairman's revised text.

4. **Mr. Seger** (Switzerland) welcomed the progress achieved by the Working Group on the Scope of Legal Protection under the Convention, which had been possible thanks to the constructive attitude shown by the vast majority of delegations. Finalization of the additional protocol before year's end was a realistic prospect, and to that end he encouraged the Chairman of the Working Group to continue his informal consultations with delegations on the basis of the compromise proposal submitted on the last day of the Working Group's meeting. Switzerland shared the view that it would be preferable to conclude by consensus the work on the proposed instrument expanding the scope of legal protection under the 1994 Convention and to do so as soon as possible. However, it was important that such an instrument should constitute a real step forward with respect to the Convention and that the new legal regime should afford the widest possible protection to United Nations and associated personnel on the ground. He thanked Costa Rica for keeping the important question of the relationship between the Convention and international humanitarian law before the Committee.

5. **Ms. Katungye** (Uganda) said that her delegation truly hoped that the Ad Hoc Committee would succeed in finalizing negotiations on the optional protocol before the end of the sixtieth session of the General

Assembly, Uganda had made several concessions in the hope of accelerating progress towards that end. Her delegation accepted the language that had been the basis of the most recent informal consultations; however, it called for the deletion of the brackets found in article 10 of the Chairman's revised text. It hoped that Uganda's flexibility vis-à-vis the Ad Hoc Committee would be reciprocated.

6. Her delegation wished to emphasize two points from the statement made by Namibia on behalf of the African Group, with which it concurred fully. First, while Uganda unequivocally condemned all attacks perpetrated against United Nations and associated personnel, it wished to stress that the United Nations had certain responsibilities to ensure the safety of its personnel to the extent possible in any given situation. Second, her delegation urged Member States and the Secretary-General to pay close attention to the recommendations of the African Group with a view to meeting the needs of both United Nations personnel and civilians (including, where relevant, those in neighbouring States) situated in places where United Nations and associated personnel were deployed.

7. **Mr. Abdelsalam** (Sudan) said that the Sudan was aware of the dangers faced by United Nations personnel and understood the desire to widen the scope of the Convention on the Safety of the United Nations and Associated Personnel (1994) in order to cover high-risk operations. However, the dangers to which United Nations personnel were exposed often resulted from atypical situations that were addressed by atypical measures. The members of the Committee should not limit the discussion to the wording of the optional protocol but should address the reasons behind the reluctance of many States to join the Convention at all. While General Assembly resolutions stressed the need for United Nations personnel to comply with the laws of the countries in which they served, disturbing violations by some personnel had gone unpunished. As long as that situation obtained, the logic behind expanding the scope of the Convention would remain flawed.

8. **Ms. Lyubalina** (Russian Federation), welcoming the significant progress made on the draft protocol by the Working Group, said that there was now a real prospect of achieving consensus during the current session of the General Assembly.

9. The Russian Federation was in favour of using the term "peacebuilding" to define the wide range of activities of personnel to whom the legal protection regime of the Convention would be extended under the draft protocol. The use of the concept of peacebuilding would preserve the element of risk necessary to trigger the provision of legal protection. The term itself was not new: it was used in the preamble to the Convention and also in the 2005 World Summit Outcome. There was no need, therefore, to elaborate a new definition for the purposes of the draft protocol.

10. Her delegation did not object to the inclusion in the scope of the draft protocol of operations for the provision of emergency humanitarian assistance in response to a natural disaster. However, the risk to personnel in such situations usually arose from consequences of the natural disaster, such as theft, looting and societal breakdown, that fell within the domestic jurisdiction of the host State. It was therefore logical to enshrine the right of such a State to make a declaration that it would not apply the draft protocol to operations conducted for the sole purpose of responding to a natural disaster.

11. Her delegation supported the Costa Rica proposal, which could be interpreted as allowing the legitimate use of force under international humanitarian law against United Nations personnel in cases where there was doubt as to whether such personnel were entitled to protection under the Convention. Lastly, her delegation was ready to work constructively towards concluding the draft protocol as soon as possible.

12. **Ms. Ahn** Eun-ju (Republic of Korea) noted that, in addition to the efforts to complete a protocol to the 1994 Convention, it was important to continue working to ensure the universality of the Convention itself. She commended the Secretary-General for his efforts to incorporate key provisions of the Convention into status-of-forces and status-of-mission agreements. She also took note of the Secretary-General's recommendation that, given the difficulty of issuing a declaration of exceptional risk, serious consideration should be given to dispensing with the need for a declaration as a condition for the application of the Convention. It seemed to be generally agreed that that was precisely the intended purpose of a new protocol. Peacebuilding was inherently a risky endeavour and thus should not require a declaration of exceptional risk.

13. It would not be wise to single out a certain situation and leave peacebuilding operations conducted during that situation outside the protocol, trusting that a declaration mechanism would be effective. It had been pointed out repeatedly that the triggering mechanism in the 1994 Convention did not function well in practice, for peacebuilding was an evolving concept. Peacebuilding operations would evolve in response to the needs of societies in distress. However, the contours of what peacebuilding meant were reasonably specific and not really subjective.

14. After several years of intense negotiation, agreement seemed to be closer than ever. Compromise had been, and should continue to be, the key to the whole process. Her delegation hoped to see the new protocol adopted early in the sixtieth session of the General Assembly and pledged its cooperation towards that end.

15. **Mrs. Bakyono Kanzie** (Burkina Faso) noted that her country was currently contributing troops to several United Nations peacekeeping operations in Africa. It therefore shared with the international community the pain and suffering caused by attacks on members of United Nations missions. The growing number of such attacks made it imperative to strengthen and expand the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel.

16. In recent years, most peacekeeping operations had been in Africa. Her delegation felt that such operations could not be fully successful unless adequate resources were placed at their disposal and effective legal protection guaranteed for their personnel. She was pleased at the progress towards finalizing an optional protocol expanding the scope of legal protection for United Nations and associated personnel under the 1994 Convention and called for continued efforts to complete it. She also called on those States that had not yet ratified the 1994 Convention to do so, in order to make it a truly universal instrument. Burkina Faso had undertaken to ratify the Convention and welcomed the efforts of the Secretary-General to include key provisions of it in agreements between the United Nations and host States.

17. **Mr. Loum** (Senegal) said that peacekeeping operations played a vital role in United Nations efforts to preserve and consolidate peace in the world. The number and diversity of those operations and the very encouraging results they had yielded had helped to reaffirm the Organization's credibility and legitimacy. Every day, United Nations and associated personnel were risking their lives to restore security and give new hope to large segments of the human community. It was regrettable indeed that those good works should often be met with violent attacks that threatened the physical and moral integrity of those personnel. It was imperative for the international community to ensure their safety and protection.

18. While the 1994 Convention afforded significant protections, it needed to be enforced in an international context characterized by heretofore unknown forms of violence. The discussions in recent years had made it possible to clearly identify the issues that needed to be addressed. Now it was time to move swiftly towards finalization of the optional protocol expanding the scope of legal protection for United Nations and associated personnel. In so doing, particular attention should be paid to the harmonization of that protocol with various international legal instruments, in particular the Geneva Conventions of 1949 and their additional protocols and the Rome Statute of the International Criminal Court.

19. The future of peacekeeping, humanitarian assistance, technical and other missions carried out under the auspices of the United Nations would depend on the human, material and financial resources made available to the Organization, but it would also depend on the international community's ability to protect the personnel involved. Every effort should be made to guarantee the safety of those emissaries of peace and to ensure that the perpetrators of crimes against them did not go unpunished. His delegation fully supported the Secretary-General's efforts to include the provisions of the 1994 Convention in agreements between the United Nations and the countries in which those personnel were deployed and welcomed all the measures taken by the Secretary-General to ensure better protection for United Nations personnel and encouraged the Committee also to work towards that end.

20. **Ms. Ramos Rodríguez** (Cuba) said that the best way of increasing protection for United Nations personnel was for States to adopt appropriate legislation to incorporate the provisions of the Convention on the Safety of United Nations and Associated Personnel into state-of-forces and state-of-mission agreements and to implement the Convention effectively. Although Cuba was not a party to the

Convention, her delegation had participated in the work of the Ad Hoc Committee and had come to a number of conclusions.

21. First, it was totally inappropriate to extend the scope of application of the Convention to every kind of United Nations operation or "presence", since that would impinge on the legal system of the country concerned. Secondly, any widening of the scope of application should clearly reflect the element of risk. With the elaboration of a protocol, the Committee was eliminating the formal requirement for a statement of "exceptional risk", but the element of risk as a condition for protection under the Convention remained. That condition, too, should be removed, but the concept that there should be protection additional to that provided under the host country's law and international obligations should be retained, provided that the operation concerned involved exceptional risk. Consideration should be given to United Nations operations which, of their nature, involved exceptional risk and could presumably be included in the extended scope of application of the Convention, so long as that did not entail a contradiction with international humanitarian law.

22. The term "peacebuilding" was unsatisfactory. There was no widely accepted definition of the term in political doctrine, the legal corpus of international law or any national legislation. It was not appropriate for a body like the Sixth Committee, which was made up of legal experts, to adopt standards involving concepts giving rise to legal uncertainty. It was essential to establish a definition of the term. Once that was done, the consideration — and the ultimate acceptance — of the draft protocol would be greatly eased.

23. Natural disaster situations should not be included in the scope of application of the Convention, unless the State in question wished them to be included, since in such situations there was no exceptional risk for United Nations personnel engaged in assisting the affected population. The reasons why States did not accede to the Convention should be considered by the Ad Hoc Committee before proposals that did not meet with general acceptance were put forward. Any move to adopt the draft protocol before such issues had been addressed would be counterproductive. The danger was that it would suffer the same fate as the Convention, which had not been widely ratified. Lastly, she pointed out that the safety of United Nations personnel also depended on their own conduct in carrying out their duties impartially, in conformity with international law and the purposes and principles of the Charter of the United Nations and with full respect for the laws, culture and individual nature of the receiving country.

24. **Mr. Gómez Robledo** (Mexico) said that the Working Group had considered a number of proposals, and he was confident that agreement would shortly be reached. The best hope for achieving unanimity was to adopt the language of compromise proposed by the delegations of New Zealand, Egypt, China and Jordan. In particular, his delegation believed that, by not defining the term "peacebuilding", the Working Group would ensure that the scope of the Convention would evolve gradually in response to State practice and the definition that each State would eventually adopt for its national legislation.

25. With regard to the proposed text of article II, paragraph 3, the parties should give serious attention to the compromise solution, whereby the draft protocol would apply automatically to relief operations in the case of natural disasters but would permit a State to make a declaration to the contrary, without specifying when such a declaration had to be made. Such an approach would, moreover, establish the need that there must be a tangible risk involved for the Convention to apply.

26. **Ms. McIver** (New Zealand) said that the frequency and the gravity of violent, sometimes fatal, attacks on personnel working in United Nations operations in the field had continued to increase. Sometimes, indeed, humanitarian personnel were deliberately targeted. Universal adherence to the Convention on the Safety of United Nations and Associated Personnel, which her delegation had played a leading role ... developing, was essential to demonstrate to those who carried out work on behalf of the United Nations that the international community was committed to ensuring their protection. Questions had, however, been raised, ever since the adoption of the Convention, about whether the categories of United Nations operations covered by the Convention were too narrow. United Nations personnel faced danger in many activities other than those covered by the Convention. That was why it was vital to conclude a draft protocol to cover such situations. Delegations had demonstrated, through their continued flexibility and focus, a strong commitment to concluding a draft protocol, and she believed that it would shortly be possible to agree on a text.

27. **Mr. Barriga** (Liechtenstein) said that the risks to which United Nations and associated personnel were exposed appeared to have become greater, partly owing to the larger number of staff deployed but also owing to the atmosphere of impunity in some of the areas where they were deployed. The United Nations Secretariat had made great efforts to address the security aspects that could be dealt with from within the Organization, but, as far as legal protection was concerned, Member States were lagging behind. The shortcomings of the Convention on the Safety of United Nations and Associated Personnel were well-known, and his delegation welcomed the fact that many delegations had worked actively in informal consultations both to expand the scope of the Convention, while addressing the legitimate concerns of host States, and to attract more ratifications. The result had been that the Ad Hoc Committee was close to achieving a text for the draft protocol that was agreeable to all interested States. No further delay could be justified.

28. **Mr. Adsett** (Canada) said that, although there were 79 States parties to the Convention, United Nations and Associated Personnel were still subject to attack around the world, not necessarily for political reasons. At times, the existence of a serious risk did not become evident until it was too late. The legal protection available to personnel must therefore be strengthened, and completion of the draft protocol must be a priority. Significant progress had been made towards agreement on a draft text, which represented a careful balance of interests between States that regularly supplied personnel to United Nations missions and potential host States. His delegation had not achieved all its objectives for the draft text, but it called on all Member States to accept the latest wording, thus sending a strong signal to those who would target United Nations operations that they could not do so with impunity.

29. **Ms. Taj El Dine** (Bolivarian Republic of Venezuela) said that her delegation fully understood the concern over the growing incidence of attacks against United Nations personnel worldwide, which must be combated through close international cooperation. Such personnel must also, however, respect the law of the country in which they were operating, in accordance with international law and the Charter of the United Nations. It was therefore crucial that the text of the draft protocol should leave no room for legal ambiguity.

30. The reference to exceptional risk should be maintained, since the draft protocol would apply only if there was such a risk, and then only if the host country accepted it. No matter what care was taken to anticipate events that might give rise to exceptional risk, there was always the possibility of unforeseen situations. The only legal requirement was therefore to define what constituted exceptional risk. Moreover, the draft protocol must apply only when the host country so decided. It should not apply in the case of United Nations operations to assist in natural disasters, which did not give rise to exceptional risk.

31. The term "peacebuilding", which was ambiguous and unacceptable to her delegation, should be dropped once and for all. Many delegations had championed its inclusion, but it had caused problems and objections within the Working Group.

32. The scope of application of the draft protocol should exclude activities undertaken by United Nations personnel as parties to a conflict. On the other hand, they would, in such cases, come under the provisions of international law for armed conflict. Her delegation therefore supported the proposed wording.

33. **Mr. Wali** (Nigeria) noted that the Convention, valuable though it was, had from the outset lacked universality, largely owing to serious concerns regarding its scope. Some international engagements undertaken by the United Nations were not covered by the Convention, despite having serious security undertones. Action should therefore be expedited to draft an optional protocol that would address the inadequacies of the Convention. There could be no justification for attacks on United Nations establishments or personnel. Such attacks undermined the Organization's effectiveness and its ability to fulfil its obligations to maintain international peace and security. Member States should therefore ensure that crimes committed against United Nations and associated personnel were adequately punished. At the same time, his delegation was convinced that robust peacekeeping and other missions would ipso facto serve as a deterrent to would-be attacks on United Nations property or personnel. Missions must therefore be adequately funded and equipped. He called on Member States to muster the necessary political will to ensure early adoption of the draft protocol.

34. **Mr. Guan Jian** (China) welcomed the progress made on the drafting of the protocol to the Convention on the Safety of United Nations and Associated Personnel and said that, in the context of the sixtieth anniversary of the Organization, all Member States agreed on the need to enhance its role. Improving the mechanism for the protection of personnel would greatly contribute to the Organization's goal of maintaining international peace and security.

35. In China's view, the main purpose of the draft protocol was to provide legal protection to personnel engaged in United Nations operations that entailed particular risks, in other words, operations involving the delivery of humanitarian, political or development assistance in peacebuilding. The delivery of emergency humanitarian assistance should be subject to certain restrictions: a State should have the option of declaring that the draft protocol would not be applied to United Nations operations conducted for the sole purpose of responding to a natural disaster in its territory. Such a declaration could be made when the State became a party to the draft protocol or at any time prior to the deployment of such an operation.

36. His delegation insisted on the right of the host State to make such a declaration, not with the intention of relieving the host State of the obligation to protect the personnel in question, but in order to make it clear that such operations did not necessarily entail exceptional risks. Drawing a distinction between the two types of operation would alleviate the pressure on the United Nations and contributing States for the organization of operations and would encourage more States to become parties to the draft protocol.

37. **Mr. Duarte** (Brazil), welcoming the report of the Working Group on the Scope of Legal Protection under the Convention (A/C.6/60/L.4), said that Brazil was deeply concerned at the continuing violence against United Nations and associated personnel. The protection regime afforded by the Convention had certain inadequacies that could be addressed to some extent by supplementary instruments such as the draft protocol. However, achieving universal ratification of the Convention was vital in order to guarantee the safety of personnel. Brazil therefore welcomed the Secretariat's efforts to include the key provisions of the Convention in status-of-forces, status-of-mission and host country agreements.

38. The low level of accession to the Convention, especially among so-called host States, could be explained in part by the fact that the protection regime under the Convention involved sensitive legal and political issues. It was vital for States, particularly traditional host States, to participate in the negotiations on the draft protocol so as to ensure that their interests were properly reflected. Otherwise, the new instrument would also suffer from lack of universality, which in turn would weaken the legal protection regime.

39. Legal clarity was crucial for the future implementation of the draft protocol in domestic courts and for universal accession to the instrument. A realistic approach to the provisions relating to application of the draft protocol was necessary if future negotiations were to be successful. For that reason, his delegation took the view that pre-conflict situations should not be covered by the draft protocol. In draft article III, the role of the host State in assessing the situation in its own territory with regard to operations for emergency humanitarian assistance must be preserved.

40. **Mr. Lavalle-Valdés** (Guatemala) said that the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973 established a broad protection regime for the persons in question. The principle of *aut dedere aut judicare* (either extradite or prosecute) was fundamental to that regime, which was applicable to persons of the relevant status irrespective of whether or not they were in a high-risk location. United Nations and associated personnel at particular risk should be afforded a similar level of protection to that provided under the 1973 Convention. The scope of the Convention on the Safety of United Nations and Associated Personnel should therefore be broadened so as to ensure, as far as possible, that those who attacked the personnel in question did not escape justice.

41. His delegation would have liked to see a draft protocol of broader scope than appeared viable. However, it would take a realistic approach by agreeing to a text with the widest scope on which consensus could be achieved.

42. **Mr. Malpede** (Argentina) said he joined other delegations in condemning all attacks against United Nations and associated personnel. Under international law, the host State of a United Nations operation bore

primary responsibility for protecting personnel present in its territory. It was therefore regrettable that the majority of States in which peacekeeping and peacebuilding operations took place had not ratified the relevant Convention. States might have their reasons for not ratifying the Convention, but the life of United Nations personnel was at stake. His country, with some 900 troops currently involved in nine peacekeeping operations, was more convinced than ever of the need to reach agreement on the draft protocol so as to broaden the protection regime of the Convention. It was also crucial to increase the number of States parties to the Convention, particularly among countries where conflicts were taking place and where United Nations and associated personnel were at risk.

43. Argentina favoured the broadest possible protection under the draft protocol, but realized that concessions would be necessary in order to ensure a large number of ratifications. A pragmatic approach was required. Therefore, references to matters that fell within the domestic jurisdiction of States, such as situations of destabilizing civil unrest and societal breakdown, should be avoided. Similarly, the inclusion of natural disasters in the scope of the draft protocol would overburden the Government of the affected State, whose priority in such situations was to provide immediate relief to victims. The simplest solution might be to allow each State to decide whether it would apply the relevant article.

44. Turning to the concept of peacebuilding, he said that the description contained in the relevant section of the 2005 World Summit Outcome could be used for the purposes of the draft proposal. In that case, it would be unnecessary to declare that a given situation presented an exceptional risk. He urged all Governments to make every effort to achieve a successful conclusion of the negotiations on the draft protocol.

45. **Ms. Rivero** (Uruguay) said that, as noted in the report of the Secretary-General on the safety and security of humanitarian personnel and protection of United Nations personnel (A/60/223), such personnel continued to be subjected to serious attacks, despite the fact the Convention on the Safety of United Nations and Associated Personnel was in force. In addition, the increasing number of United Nations operations entailed an increase in the number of persons requiring protection. Her delegation therefore welcomed the efforts of the Secretariat to remedy the deficiencies in the application of the Convention.

46. His delegation believed that there was no need for the draft protocol to define the concept of "peacebuilding", given that the 2005 World Summit Outcome dealt with the subject in some detail. Moreover, the coordinated approach advocated by the Summit Outcome would be difficult to achieve if the concept were defined in a variety of ways depending on the context. A generic reference to the term would therefore be sufficient and would allow flexibility in dealing with different situations that might arise. It should also be borne in mind that the Peacebuilding Commission would have a broad membership and would have to function on the basis of consensus among its members.

47. With regard to article II, paragraph 3, of the draft protocol, the proposals submitted by the United Kingdom on behalf of the European Union and by Canada would safeguard the legitimate right of the host State to opt out of applying the draft protocol in certain cases. Her delegation would take a flexible approach to the wording of the paragraph.

48. He agreed that the reference to an element of risk contained in brackets in the third paragraph of the preamble should be deleted, as its inclusion would impose an additional trigger mechanism for the application of the draft protocol. In any case, there was an inherent risk in the kind of operations in question.

49. Uruguay attached great importance to peacekeeping operations as a tool for the maintenance of international peace and security and was therefore a long-standing contributor of troops to United Nations operations. Moreover, as a firm believer in the value of international law, it joined the call for renewed efforts to conclude a protocol that would broaden the scope of legal protection under the Convention.

50. **Mr. Playle** (Australia) said that his country fully supported efforts to broaden the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, particularly given that the 2005 World Summit Outcome had emphasized the need to conclude a protocol to the Convention during the current session of the General Assembly. The Secretary-General had noted, on the second anniversary of the attack on the United Nations headquarters in Baghdad, that no one had been held to account for that crime. That observation, along with further attacks on United Nations personnel in the past

year, served as a timely reminder of the need to broaden protection.

51. Australia welcomed States' willingness to extend the application of the Convention to United Nations operations that involved delivering humanitarian, political or development assistance in peacebuilding. It also supported the broadest possible application of the draft protocol and therefore encouraged States to adopt, in practice, a broad interpretation of the phrase "in peacebuilding" that included all phases and elements of peacebuilding operations.

52. His delegation would reluctantly accept a narrow provision enabling States to opt out of applying the draft protocol to a United Nations operation providing emergency humanitarian assistance in response to a natural disaster. However, history showed that natural disasters often led to a breakdown in law and order. United Nations and associated personnel deployed in such circumstances were exposed to exactly the sort of risks against which the Convention aimed to provide protection. His delegation therefore encouraged States, in practice, not to exclude the application of the draft protocol to operations undertaken in response to natural disasters whenever such risks existed.

53. Australia had been in favour of a robust protocol which would apply the Convention automatically to the broadest possible range of United Nations operations. It had reluctantly agreed to reduce the scope of application to a smaller subset of operations to be determined in accordance with the perceived risk to personnel. The current text of the draft protocol therefore offered less protection to personnel than his delegation believed they deserved. However, after five years of negotiations, it was clear that that text represented what was achievable in the present forum. His delegation therefore looked forward to working with other States with a view to finalizing the draft protocol during the current session.

The meeting rose at 11.50 a.m.